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2014 JUL -7 AM 11: 55

Michael J. Barkley  
167 N. Sheridan Ave.  
Manteca, CA 95336

RECEIVED  
FEDERAL ELECTION  
COMMISSION

2014 JUL -2 PM 12: 13

June 23, 2014

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

MUR # 6851

**SENSITIVE**

Re: Complaint for violation of donation statute

I am Michael Barkley, candidate for Congress in the recent California Primary Elections of 06/05/2012 and 06/03/2014 and a candidate for 2016, California Congressional District CA-10, Candidate #H2CA00096, committee "Mike Barkley for Congress Committee" Candidate Committee #C00495507. I did not have or use any campaign signs so my hands are clean in this matter. Your letter of May 27, 2014 enclosed your undated response to my complaint MUR 6595 of 06/10/2012 that you received Jun 18, 2012 Both your letter & your response are on-line at <http://www.mjbarkl.com/denham2.pdf> and my complaint is at [mjbarkl.com/denham.pdf](http://mjbarkl.com/denham.pdf).

In your response you state among other things,

"The Committee responds that, during the campaign, it routinely provided campaign signs to volunteers upon request. . . However, Committee agents and employees did not direct volunteers to place signs in certain locations, nor did the Committee keep records of where the signs were ultimately placed. . . The Committee argues that, under the Act and Commission regulations, the value of services provided by uncompensated campaign volunteers is not a contribution to the campaign. . . The Committee further denies that it directed volunteers to place signs on corporate property and suggests that, if any signs were placed on corporate property, the volunteers may have acted on their own initiative. . . . The Committee also claims that it is unaware of any corporations that agreed to place the Committee's signs on their property. . . . To the extent that campaign signs were displayed on corporate property, the Committee argues that no contribution resulted because the signs were allegedly placed without its knowledge and without the corporation's consent. . . ."

Really? You believed that? Denham's cumulative in-kind donations from signage exposure over the past 3 elections are now somewhere around \$1,500,000. Have you asked him who his sign coordinator is & has been? How about a list of volunteers working on the sign program? Are the same names there from election to election? Are you asserting that the campaign did not receive phone calls for signs and did not pass those on to volunteers or its own sign staff? Are you asserting that the campaign did not have a sign staff or a sign program? Are you asserting

that after the election the campaign did not recover any signs because it did not know where they were? Are you really asserting that the complaint is the volunteer activity and not the commercial value of the location exposure as I alleged? When Denham or his Committee or their agents drive down the street are you telling me they don't see their own signs? Is there a perjury problem here? Are you ignoring it?

Hence, this is a new complaint.

This is a complaint against Tuff Boy Sales Inc. and relevant affiliated corporations whose names are not yet specifically known - Google shows a number of affiliated corporations - <http://www.tuffboy.com/> , apparently a California Corporation, or its principal or controlling stockholder(s) whose name(s) is/are also not yet known, possibly spouse Lucille Harris or descendants of founder William Robert Harris, (see <http://www.plfryandson.com/obituaries/William-Robert-Harris4132093805/#!/Obituary> ), including present President Martin Harris who appears in your on-line database as having made cash donations to Denham's campaign.

I incorporate the entirety of my complaint of 06/10/2012, [mjbarkl.com/denham.pdf](http://mjbarkl.com/denham.pdf), into this complaint.

Attached Exhibit A , [mjbarkl.com/tuffboy.jpg](http://mjbarkl.com/tuffboy.jpg) , is one of 145 additional sign photos I have from the 11/2012 election, this one I took on 11/05/2012 which you said you didn't care about when I emailed you about it; it shows the in-kind donation of high-traffic (often bumper-to-bumper) freeway signage exposure on the westbound side of State Route 120 just east of Interstate 5 in Manteca, CA. It is in the equipment yard of Tuff Boy Trailers, on Guthmiller Road and Yosemite, address Tuff Boy Sales Inc., (obviously a corporation), 3870 Yosemite Avenue, Lathrop, CA 95330, a "yard" that has their Tuff Boy sign at the gate. Note that it is much larger than other Denham signs, nearly the size of a full big-rig doubles trailer, is printed on fabric instead of on his usual plastic material, and had to have been specially made as opposed to just taken from his sign inventory by some unknown "volunteer". The notation at the bottom of the sign says "Paid for by William and Lucille Harris and authorized by Jeff Denham for Congress." Lucille Harris, for instance, is also in your database as donating cash to Mr. Denham's campaign, but there is apparently no showing of an in-kind contribution in Denham's filings from her or anyone else from Tuff Boy. Attached Exhibit B , [mjbarkl.com/denham4.jpg](http://mjbarkl.com/denham4.jpg) , is a Google satellite photo of that corporate yard - note the huge size of this corporate operation, and they have multiple yards in this vicinity. The signage placement is in the lower right of the triangle facing SR 120, just south of the middle of the bottom row of doubles trailers. Exhibit C , [mjbarkl.com/denham5.jpg](http://mjbarkl.com/denham5.jpg) , is a Google photo from SR 120 of the same lot which appears to have been taken at a time other than proximate to an election because no other Republican signs are around it as there are now in June, 2014. It is a much smaller sign than that in Exhibit A but it extends the time the signage was maintained and thus increases exponentially the value of the in-kind contribution . By now I estimate the cumulative value of this Tuff Boy exposure at well over \$100,000. Google shows the phone number on the upper container as being for "TUFF

BOYS SALES INC 209-858-4131 Lathrop CA 95330". Note the fence around the containers in the Google SR-120 photo to keep taggers away and protect the sign and keep "volunteers" from placing unwanted signs thereon.

On 06/22/2014 the sign in Exhibit A is still there. While I have included printouts of these 3 exhibits in this filing, I urge you to refer to the on-line versions which have much better resolution than these printouts.

This is very valuable signage. It is obviously not some "inadvertent sign placement by some unknown volunteer". It is apparently a deliberate in-kind donation to the Denham campaign by a corporation OR a deliberate in-kind donation to the Denham campaign by some person who owns the land or equipment and makes the in-kind donation in excess of the statutory dollar limits. The value of the in-kind donation is not some volunteer placing the sign there - the value of the in-kind donation is the host donor gifting the high-traffic signage location for an extended period of time. I ask you to validate the value of this in-kind donation using the same methods outlined in my complaint of 06/10/2012.

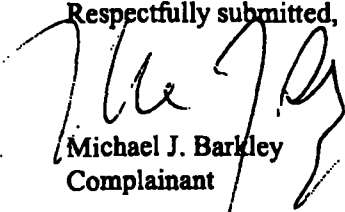
Unless of course it is a paid advertisement and I do not see a disbursement in the Denham filings for the fair market value of that kind of freeway exposure. Please investigate this complaint as a potential violation of 14 USC 441b and related provisions of federal law, and this time try and avoid the sort of whitewash you did with the last one, and then prosecute either Tuff Boy Sales, Inc. or appropriate affiliated corporation(s), the person(s) responsible at Tuff Boy or the Denham campaign or all of them.

I do not make this complaint lightly. The Harris family & Tuff Boy are very powerful local business leaders. The only reason I make this complaint is because you have blown off the more important, underlying complaint against Congressman Denham that I filed 06/10/2012. Had the Denham campaign chosen to take responsibility for their actions instead of obfuscating them, they could have issued refund checks to these donors, amended their filings, and protected their supporters instead of leaving them vulnerable to complaints like this one.

The facts recited in this complaint are of my own personal knowledge and I declare under penalty of perjury that they are true or for those based on information and belief and as to those I believe they are true.

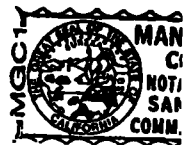
Thank you.

Respectfully submitted,

  
Michael J. Barkley  
Complainant

Tuff Boy FEC Complaint 06/22/2014

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Signed and sworn to before me:

cc: Ms. Melanie Sloan, CREW , 1400 Eye Street NW , Suite 450 , Washington, DC 20005

State of California  
County of San Joaquin  
Subscribed and sworn to (or affirmed) before me on  
this 23 day of June, 2014,  
by Michael J. Barkley  
personally known to me or proved to me on the basis of satisfactory  
evidence to be the person(s) who appeared before me.  
(seal) Signature [Signature]

EP S. BHULLER  
M. # 1899897  
PUBLIC - CALIFORNIA  
SAN JOAQUIN COUNTY  
EXPIRES AUG. 15, 2014

MANDEEP S. BHULLER  
COMM. # 1899897  
NOTARY PUBLIC - CALIFORNIA  
SAN JOAQUIN COUNTY  
COMM. EXPIRES AUG. 15, 2014

<http://www.mjbarkl.com/luffboy.jpg>



Exhibit B



Exhibit C